

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

JOHN DANIEL MARTIN, III

PETITIONER

VERSUS

CIVIL ACTION NO. 5:09-cv-28-DCB-MTP

BRUCE PEARSON, Warden

RESPONDENT

ORDER

This matter is before the Court, *sua sponte*, to review the Petition filed pursuant to 28 U.S.C. § 2241 by federal inmate Martin. Petitioner is currently incarcerated at the FCC-Yazoo, Yazoo City, Mississippi. Upon initial review of the Petition [1], Motion for Leave to Proceed *in forma pauperis* [2] and Motion for Emergency Hearing [3], it is hereby,

ORDERED AND ADJUDGED:

1. That Petitioner's Motion for leave to proceed *in forma pauperis* [2] is granted.

Petitioner may proceed in this cause without prepayment of fees or costs, or giving security therefore.

2. That Petitioner's Motion for an Emergency Hearing [3] is denied.
3. That Bruce Pearson, as the Warden of FCC-Yazoo and Petitioner's current custodian, is the only proper respondent in this case. 28 U.S.C. § 2243; *Rumsfeld v. Padilla*, 524 U.S. 426, 439, 124 S.Ct. 2711, 2710 (2004). All other named Respondents are dismissed as parties in this case. The Clerk is direct to edit the docket accordingly.

4. That Respondent Pearson, file an answer or other responsive pleading in this cause within twenty days of the service of this order.

5. That the United States District Clerk is directed to issue summons to **Bruce Pearson**, Warden, FCC - Yazoo City, 2255 Haley Barbour Pkwy, Yazoo City, Mississippi 39194.

6. That the United States District Clerk shall serve, by certified mail, a copy of the summons, petition [1] and memorandum in support [5] filed herein, along with a copy of this order upon the **Civil Process Clerk of the Office of the United States Attorney for the Southern District of Mississippi**, 188 E. Capitol St., Suite 500, Jackson, Mississippi 39201; the **Attorney General of the United States**, at 10th Street & Constitution Avenue, Washington, D.C. 20530; and **Bruce Pearson**, Warden, FCC - Yazoo, P.O. Box 5050, Yazoo City, Mississippi 39194.

7. That the Clerk of Court shall also serve a copy of this order upon **Petitioner** by mailing same to Petitioner's last known address. The Petitioner is warned that his failure to timely comply with any order of this Court or a failure to keep this Court informed of his current address, may result in the dismissal of this case.

SO ORDERED, this the 6th day of April, 2009.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE